

## ORDINANCE 80

### HOME-BASED BUSINESSES

Advances in communications and electronics have reduced the need for business to be located adjacent to production or population centers. The purpose of this Chapter is to provide for licensing and regulation of commercial businesses conducted for profit outside of Commercial or Industrial Zoning Districts within Eureka Charter Township.

#### SECTION 18.1 PURPOSE AND INTENT

- A. The purpose of this Chapter is to provide minimum standards for individuals outside of an Industrial or Commercial Zoning District to enable them to conduct businesses from their residence providing that they do not interfere with the health, safety and welfare of the community and their neighbors. Eureka Charter Township recognizes the right of all residents and property owners to be free from actual or potential nuisances that may be caused by non-residential activities conducted outside of an Industrial or Commercial Zoning District.
- B. The intent of this Chapter is to provide standards to ensure that home-based businesses are compatible with other permitted uses in that specified zone to maintain and preserve the residential character.

#### SECTION 18.2 DEFINITIONS

- A. **Home-Based Business:** Includes Type I and Type II businesses that are conducted for profit outside of an Industrial or Commercial Zoning District within Eureka Charter Township and are required to file an IRS Schedule C (profit and loss statement).
- B. **Type I Business:** Any commercial activity operated for profit outside of an Industrial or Commercial Zoning District by family members living in the dwelling unit and conducted as a customary, incidental, accessory use within the residential unit or attached garage.
- C. **Type II Business:** Any commercial activity operated for profit outside of an Industrial or Commercial Zoning District that is conducted in a separate accessory structure. The commercial activity is performed by family members who live in the residential structure on the parcel.
- D. **Farm:** A contiguous parcel of land of not less than three acres in area, directly farmed or used for commercial agriculture by the owner/operator, manager or tenant farmer by his own labor or with assistance of the members of his household or hired employees. A farm may include a farm-related dwelling and accessory products or animals or otherwise used for the operation of the farm.

#### SECTION 18.3 EXCLUSIONS

- A. **Hobby:** An activity operated in a home or accessory building that is not conducted for profit or advertised, and the resident is not required to file an IRS Schedule C (profit and loss statement) for the activity.
- B. **Bona fide farm operation:** See Definitions in Section 18.2 of this Ordinance. A farm operation required to file an IRS Schedule F shall constitute a bona fide farm operation. An associated agricultural operation without a bona fide farm operation is not exempt from requirements of this Chapter.
- C. **Non-Advertised Multi-Level Marketing Businesses:** For example, online-based marketing.

#### **SECTION 18.4 GENERAL STANDARDS FOR HOME-BASED BUSINESSES**

The following standards shall apply to all Type I and Type II home-based businesses:

- A. The home-based business shall be incidental and subordinate to the principal use of the lot or parcel.
- B. The use shall not detract from the residential character or the welfare of the surrounding properties by creating increased noise, septic disposal, well water withdraw, traffic, lighting or parking.
- C. There shall be no exterior evidence of the home-based business except for a permit required sign conforming to the requirements stated in Chapter 13 of Zoning Ordinance 79.
- D. Delivery or pickup of goods shall not exceed that normally resulting from or associated with residential uses.
- E. No machinery, mechanical devices or equipment that generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference or other conditions that could reasonably result in a nuisance to neighbors will be allowed.
- F. The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. No more than ten customers or clients shall come to the dwelling unit for services or products during any one day. Parking generated by the conduct of home occupations shall be off the street and not in the required front yard.
- G. No process, chemicals or hazardous materials contrary to State or Federal laws shall be used or stored on site.
- H. No home-based business will be allowed to operate in a multi-family dwelling unit.
- I. No large equipment (such as excavating or road construction equipment) shall be allowed in any Residential Zoning District, or on Agricultural-zoned parcels of five acres or less, for storage or continuous parking.
- J. No more than one service truck or two pickup-size vehicles shall be allowed in Suburban Residential or Urban Residential Zoning Districts for storage or continuous parking. No more than two service trucks or four pickup-size vehicles shall be allowed in the Rural Residential Zoning District, or on Agricultural-zoned parcels of five acres or less for storage or continuous parking. Vehicles must have a valid license and must be in operable condition.

## **SECTION 18.5 TYPE I HOME-BASED BUSINESSES**

- A. Home occupations are permitted in all Zoning Districts in which single-family dwelling units are a permitted use.
- B. Home occupations shall be operated in their entirety within the dwelling unit or within an attached garage. The space for the home occupation shall not exceed 25% of the total square footage of the principal dwelling unit excluding the size of the garage.
- C. Home occupations shall be conducted only by the person(s) occupying the premises as their principal residence. No more than two non-resident workers will be allowed.
- D. Additions to the dwelling unit or garage for the purpose of conducting the home occupation shall have an architectural style that is compatible with the architecture of the dwelling unit and shall be designed so that the addition can be used for residential purposes if the home occupation is discontinued.
- E. No retail sales of merchandise or other products not associated with the business conducted on the premises will be allowed.
- F. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.

## **SECTION 18.6 TYPE II HOME-BASED BUSINESSES**

- A. Type II businesses are only allowed in Agricultural, Rural Residential and Suburban Residential Zoning Districts.
- B. Type II businesses shall not exceed more than one building. The floor area of the building shall not exceed required building size restrictions for that Zoning District (see Chapter 3.8-C of this Ordinance).
- C. The building used for the business activity shall not be used for short-term or long-term human habitation.
- D. The outdoor storage of vehicles and/or materials of any kind is prohibited unless screened from view by a tight-board wood fence or landscaped buffer which shall retain the residential character of the neighborhood.
- E. Type II businesses shall be conducted only by the person(s) occupying the premises as their principal residence. No more than two non-resident workers will be allowed. In addition, no more than three temporary seasonal workers may be allowed for periods of up to 30 days to meet short-term fluctuations in production for one season per year.
- F. The approved hours of operation may not exceed 7:00 a.m. to 10:00 p.m.

## **SECTION 18.7 SIGNAGE**

See Zoning Ordinance 79, Chapter 13, Section 13.8 for approved signage in Type I and Type II home-based businesses. A permit shall be issued by the Zoning Administrator to erect a sign.

## **SECTION 18.8 ENFORCEMENT AND PENALTIES**

- A. This Ordinance and Chapter will be enforced by persons designated by the Eureka Charter Township Board.
- B. In the event that alleged violations of requirements in this Chapter are reported, an investigation will be conducted. If found to be valid, the home-based business owner shall be notified in writing to cure the violation within 30 days after service of the notice upon the business. Such notice may be served in person or by certified mail, return receipt requested. Additional time may be granted by the enforcement officer where bona fide efforts to comply with these requirements are being made.
- C. Failure to comply with the directives stated in the written notice within the time allowed shall constitute a violation of this Ordinance.
- D. Any person, firm or corporation who violates any of the provisions of this Chapter shall be deemed guilty of a municipal civil infraction. The amount of fines shall be set annually by the Eureka Charter Township Board, at the discretion of the Court and in addition to all other costs, damages and expenses provided by law.
- E. For purposes of this Section, "subsequent offenses" shall mean a violation of the provisions of this Chapter committed by the same person within 12 months of a previous violation of the same provision of the Chapter for which the person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

